

350 Mount Kemble Avenue
P.O. Box 1917
Morristown, New Jersey 07962
phone: 973-267-0058
fax: 973-267-6442
www.coughlinduffy.com



Wall Street Plaza
88 Pine Street, 28th Floor
New York, New York 10005
phone: 212-483-0105
fax: 212-480-3899

MARK K. SILVER, ESQ.
DIRECT DIAL: (973) 631-6045
MSILVER@COUGHLINDUFFY.COM

August 20, 2019

Hon. George B. Daniels, U.S.D.J.
United State District Court
United States Courthouse
500 Pearl St.
Courtroom 11A
New York, NY 10007-1312

**RE: Farmer v. Law Offices of Weiner & Weiner, LLC, et al.
Civil Action No.: 19 cv 7115**

Dear Judge Daniels:

Coughlin Duffy LLP, Kevin Coughlin, Timothy Duffy, Josh Weiner and Paul Weiner (collectively “Defendants”) have become aware of the Complaint filed in the above referenced matter and are writing to respectfully request the court to schedule a conference in this matter.

First, Defendants wish to advise the Court that as of the date of this letter, Defendants have not been properly served in this matter and any attempts by Plaintiff to enter default against the Defendants would be improper. As evidenced by the Plaintiff’s own “Affirmation of Service”, Plaintiff’s only method of transmitting the Complaint to the Defendants was “via yahoo.com email servers” which does not comport with proper service under the Federal Rules of Civil Procedure. (See Exhibit 1 attached hereto).¹

¹ Defendants also note the named sender of the email is a “John Wick”. John Wick is the title character in a popular series of action adventure movies starring Keanu Reeves wherein Mr. Wick is a brutal and merciless assassin/vigilante. Defendants mention this because they consider the transmittal of the email to be a potential threat of bodily harm and are now concerned for their own wellbeing.



If Defendants were offered a Waiver of Service pursuant to Rule 4, they would execute said waiver, but as of the date of this letter, said waiver has not been offered by the Plaintiff.

Once proper service has been made (or waiver thereof), Defendants intend to serve Plaintiff with a Rule 11 letter followed by a Motion to Dismiss pursuant to Rule 12(b)(6) as the Complaint in this matter is wholly frivolous and without merit. Even the most cursory of review of the Complaint allows the reader to discern that Plaintiff's Complaint fails to state a cause of action that Plaintiff has standing to assert. Setting aside the fact that the allegations made by Plaintiff are utterly false and wholly defamatory, the alleged causes of action stemming from violations of "New York State Judiciary Law" do not carry with them a private right of action from which the Plaintiff can recover damages. Plaintiff has no relationship with the Defendants other than he is a *pro se* adversary in another action. This Court is aware of the history between this Plaintiff and the Defendants in the related action of *Farmer v. FZOAD.com Enterprises, Inc. et al.* (17-cv-9300) and the filing of this action is nothing more than a tactic by the Plaintiff to harass and defame the Defendants.

Defendants would ask the Court, after reviewing the Complaint, to consider dismissing this action *sua sponte* or, alternatively, setting a court conference to provide guidance on how to proceed in an expedited manner.

Respectfully submitted,

COUGHLIN DUFFY, LLP

By: /s/Mark K. Silver

Mark K. Silver

MKS:tfc

Cc: The Honorable Ona T. Wang, U.S.M.J. (via ECF)
Richard Farmer (via e-mail and U.S. Mail)

EXHIBIT 1

From: John Wick <eyesearch.57@gmail.com>
Sent: Thursday, August 1, 2019 3:32 PM
To: piw@weinerattorney.com; jlw@weinerattorney.com; mrait@buddlarner.com; Kevin Coughlin; Timothy Duffy; Joshua Weiner; Linda Hall
Subject: Farmer v. Law offices of Weiner & Weiner et al. LLC 19-CV-7115: You Have Been Served.
Attachments: 2019_08_01_15_22_50 U.S. District Court SDNY Summons.pdf; 2019_08_01_15_24_52 U.S. District Court Summons 2.pdf; 2019_08_01_15_26_55 U.S. District Court SDNY summons 3.pdf



AFFIRMATION OF SERVICE

I, Richard Farmer Plaintiff, declare under penalty of perjury that I submitted today's filings to the Pro Se office, to be submitted via E.C.F., electronic filing, and via email to all the parties involved, in addition Plaintiff Farmer sent the parties an additional service via yahoo.com email servers in which Yahoo used their digital services to deliver Civil Pleading and Summons to Appear before the United States District Court for the Southern District of New York.

[Farmer v. Law offices of Weiner & Weiner, LLC, et al. U.S. District Court, SDNY Index. No. 19-CV-7115: You Have Been Served.]

Richard Farmer
Plaintiff